

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA)
)
)
) Case No. 2:08CR00015
)
v.)
)
)
)
CHRISTOPHER JAMES FAUCETT,))
) By: James P. Jones
) United States District Judge
)
)
)
Defendant.)

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED as follows:

1. The defendant's Motion under Fed. R. Crim. P. 33(b)(1) (ECF No. 172) and his request for appointment of counsel are DENIED, and the defendant's motion is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
2. The Clerk is DIRECTED to redocket the motion (ECF No. 172) as a § 2255 motion;
3. The § 2255 motion is hereby DENIED without prejudice as successive and stricken from the active docket; and

4. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: June 4, 2012

/s/ James P. Jones
United States District Judge